

Application No.: 10/092,308  
Amendment Under 37 C.F.R. §1.111 dated October 10, 2003  
Response to the Office Action of July 10, 2003

### **REMARKS**

Claims 1 - 14 are pending in the present application, of which claims 1 and 10 have been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated July 10, 2003.

### **Allowable Claim Subject Matter:**

Applicant gratefully acknowledges the indication in item 2 of the Office Action that claim 7 would be allowable, if amended, to include all of the limitations of the base claim and any intervening claims. However, for at least the reasons outlined below, applicant respectfully asserts that all of claims 1 - 14 are allowable.

### **As to the Merits**

As to the merits of this case, the Examiner relies on the newly cited reference of Asai et al. (U.S. Patent No. 6,455,364) in setting forth the following rejections:

1) claims 1 – 3, 6, and 8 – 14 are rejected under 35 U.S.C. §103(e) as being anticipated by Asai et al.; and

2) claims 4 and 5 are rejected under 35 U.S.C. §103(a) as being anticipated by Asai et al. in view of Kimura et al. (of record).

Each of these rejections are respectfully traversed.

The main features of the presented invention include a “protective film” such that:

1. the protective film covers at least a portion of overhang structure;
2. an edge of the protective film on a semiconductor substrate (semiconductor layer)

is positioned inside an umbrella-shaped portion;

3. the protective film is provided over a semiconductor substrate (semiconductor layer); and
4. the protective film is positioned at an interval from an electrode.

The Examiner insists with referring to Asai, figure 1, for example, that not only does Asai disclose above the features (1 and 2) concerning the protective film covering at least a portion of overhang structure and an edge of the protective film on a semiconductor substrate (semiconductor layer) is positioned inside an umbrella-shaped portion, but also the features (3 and 4) concerning “over a semiconductor layer 111,” and “a protective film and an electrode 124 are positioned at an interval from each other,” respectively. Here, “an electrode 124” is regarded to be shown by a dotted portion provided on 115, as it is formed by using umbrella-shaped portion as a mask.

However, a protective film of the presented invention should be considered to be like a compound of Asai’s 117, 120 and 112 and not 114, since 114 constitute “openings”. This is because of the above the feature (1) concerning the protective film covering at least a portion of overhang structure. Further, one end of the electrode 124 of Asai adheres to 117, which is

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obviously different from the feature (4) concerning the protective film positioned at an interval from an electrode.

That is, in this presented invention, it is important that a protective film and an electrode do not contact with each other at any portion.

In addition, the present claimed invention now includes the additional feature (5) regarding:

5. an “electrode” of the presented invention is provided directly on a semiconductor layer.

Asai’s electrode 124 also does not have this feature (5), since the electrode 124 is not provided directly on a semiconductor layer. That is, even if the examiner may consider that a protective film on a semiconductor layer 116 is 112, and that this 112 is positioned at an interval from an electrode 124, still Asai does not disclose the feature (5) regarding an electrode provided directly on a semiconductor layer.

In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully Submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'TEB', is written over a horizontal line.

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